



April 2, 2008

Mr. Denis Hulme  
Woodin & Associates, Inc.  
111 Patriot Drive, Ste. D  
Middletown, DE 19709

RE: PLUS review –2008-02-01; Levels Business Park

Dear Mr. Hulme:

Thank you for meeting with State agency planners on March 5, 2008 to discuss the proposed plans for the Levels Business Park project to be located on the Northeast corner of Middletown Warwick Road and Levels Road.

According to the information received, you are seeking site plan approval through Middletown for 62, 240 sq. ft. of office space on 9 acres.

Please note that changes to the plan, other than those suggested in this letter, could result in additional comments from the State. Additionally, these comments reflect only issues that are the responsibility of the agencies represented at the meeting. The developers will also need to comply with any Federal, State and local regulations regarding this property. We also note that as Middletown is the governing authority over this land, the developers will need to comply with any and all regulations/restrictions set forth by the Town.

### **Executive Summary**

The following section includes some site specific highlights from the agency comments found in this letter. This summary is provided for your convenience and reference. The full text of this letter represents the official state response to this project. ***Our office notes that the applicants are responsible for reading and responding to this letter and all comments contained within it in their entirety.***

### **State Strategies/Project Location**

This project is part of the Westown master plan and is located in Investment Level 2 according to the 2004 State Strategies for Policies and Spending. State policies support development activities in Level 2 areas, and as such the State supports this project.

## **Street Design and Transportation**

- DelDOT anticipates requiring the developer to provide a five-foot sidewalk along the east side of Levels Road from Patriot Drive to US Route 301.
- DelDOT recommends that pedestrian connections (paths and crosswalks) be provided to link the office buildings to the sidewalks on Levels Road and Patriot Drive.
- DelDOT recommends that the pedestrian/bicycle cartway built on the old alignment of Levels Road be labeled as existing.
- The plan shows another driveway, on the opposite side of Patriot Drive, offset from the site access such that their entering left turns would conflict. DelDOT recommends that the plans for one or both of these properties be revised so that the driveways are opposite each other.

DelDOT also recommends that the developer and the Town either look for ways to make Patriot Drive less attractive as a link to the eastern properties, possibly by adding traffic calming on Patriot Drive, or reevaluate the design of this intersection.

## **Natural and Cultural Resources**

- DNREC recommends pretreatment of parking area runoff to remove chemical and nutrient loads
- DNREC also recommends offsetting the loss of recharge due to impervious cover by constructing recharge basins that convey relatively pure rooftop runoff for infiltration to ground water

This office has received the following comments from State agencies:

### **Office of State Planning Coordination – Contact: Herb Inden 739-3090**

This project is part of the Westown master plan and is located in Investment Level 2 according to the 2004 State Strategies for Policies and Spending. State policies support development activities in Level 2 areas, and as such the State supports this project.

### **State Historic Preservation Office (SHPO) – Contact: Terrence Burns 739-5685**

The State Historic Preservation Office (of the Delaware Division of Historic & Cultural Affairs), would like to advise the developer of the following historical observations and information in reference to this project area. Here are the following historical observations:

- There did not appear to be any known historic or cultural resource site such as a known archaeological site or national register listed property site on this project area, but there is one known historic and cultural resource site nearby, and it seems to be very close to the project area. This historic and cultural resource site is the **J. Cochran-Summerton House, also known as the Green Levels Farm (N-112)**. The **J. Cochran-Summerton House-Green Levels Farm (N-112)** consists of a house, along with a few scattered barns. When a historic house of this type has scattered outbuildings associated with it is generally an indication or a possibility that it may have been a historic farmstead or homestead, and there is a possibility that the **J. Cochran-Summerton House-Green Levels Farm (N-112)** is a historic farmstead or homestead. On some occasions, historic farmsteads or homesteads of this type are sometimes or often associated to or with a small rural family cemetery nearby. A cemetery of this type is usually located a good distance behind or to the side of the house.
- Another historical aspect that the developer should be aware of is the historical background of the location of the project area. According to the Beers Atlas of 1868, this project area is within the vicinity of Saint Georges Hundred, and there is a variety of historical attributes within the vicinity of Saint Georges Hundred. The Beers Atlas of 1868 also indicates that there was a structure of some type very close to where the project area is located today, and that structure was associated to **J. Cochran-Summerton**.
- Since this project area is located where there is a known historic or cultural resource site nearby, there is possibility that there could probably be a potential historic or cultural resource of some type within this project area. This historic or cultural resource could also be some type of archaeological resource such as cemetery, burial ground, unmarked human remains, or some other type of hidden contents or remains that has significant historical attributes or aspects. It is very important that the developer become familiar with the laws and regulations of the state of Delaware that pertains to the discovery and disposition of archaeological resources and unmarked human burials or skeletal remains.
- The State Historic Preservation Office (of the Delaware Division of Historic & Cultural Affairs) strongly recommends that the developer should read **Chapters 53 and 54, in Title 7, of the Delaware State Code** prior to or before any ground-disturbing activities, demolition, or construction starts or begins on this project area. **Chapter 53** pertains to the “Conservation of Archaeological Resources In or On State Lands”, and **Chapter 54 pertains to the Delaware Unmarked Human Remains Act of 1987**. The unexpected discovery archaeological resources or unmarked human remains during construction can result in significant delays.
- The State Historic Preservation Office of the Delaware Division of Historic & Cultural Affairs also recommends strongly that the developer should consider hiring an archaeological consultant to check and examine the project area thoroughly prior to or before any ground-disturbing activities, demolition, or construction starts or

begins on this project area. The purpose for this is to make sure that there is no indication or evidence of a potential historic or cultural resource or archaeological resource of some type such as a cemetery, burial ground, unmarked human remains, or some other type of hidden contents or remains with historical attributes.

**Department of Transportation – Contact: Bill Brockenbrough 760-2109**

- 1) On future versions of the land development plan, please remove or relocate the “E” parcel label. In its present location it looks like a feature.
- 2) The proposed development would generate more traffic than was planned for Levels Business Park but the amount of additional traffic can be accommodated with the road network presently planned.
- 3) DelDOT anticipates requiring the developer to provide a five-foot sidewalk along the east side of Levels Road from Patriot Drive to US Route 301.
- 4) DelDOT recommends that pedestrian connections (paths and crosswalks) be provided to link the office buildings to the sidewalks on Levels Road and Patriot Drive.
- 5) DelDOT recommends that the pedestrian/bicycle cartway built on the old alignment of Levels Road be labeled as existing.
- 6) Because the parcel would be accessed entirely by Town of Middletown streets, it is outside the jurisdiction of DelDOT with regard to entrance permits. However, the plan shows another driveway, on the opposite side of Patriot Drive, offset from the site access such that their entering left turns would conflict. DelDOT recommends that the plans for one or both of these properties be revised so that the driveways are opposite each other.
- 7) Related to their previous comment, if Patriot Drive becomes a direct connector to other sites to the east, the intersection of (re-aligned) Levels Road and Patriot Drive could become very congested, especially once the bypass is completed and the interchange is located at Levels Road). DelDOT recommends that the developer and the Town either look for ways to make Patriot Drive less attractive as a link to the eastern properties, possibly by adding traffic calming on Patriot Drive, or reevaluate the design of this intersection.
- 8) The right of way along US Route 301 is consistent with what is shown for the US 301 Project. The plans show the width of existing right of way on US Route 301 to be 80 feet. This dimension is no longer correct and should be removed. It should be updated or replaced with the word "Varies".

- 9) The typical section for the northbound portion of (re-aligned) Levels Road at US 301 will have three lanes (right, left and through) in the future, currently it only has two (right & left). The plans show a 30-foot dedication along this frontage which would be sufficient for the additional 12-foot lane, 5-foot sidewalk and drainage. However, if a full width shoulder is also needed, the 30-foot dedication may not be sufficient.
- 10) The developer's site engineer should contact the DelDOT Subdivision Manager for southern New Castle County, Mr. Pao Lin, regarding specific requirements for obtaining a letter of no objection. Mr. Lin may be reached at (302) 760-2157

**The Department of Natural Resources and Environmental Control – Contact: Kevin Coyle 739-9071**

### **Soils**

Based on the New Castle County soil survey, Reybold-Sassafras and Reybold-Hambrook complex was mapped on the proposed parcel's land area. Both Reybold-Sassafras and Reybold-Hambrook are well-drained upland soils that, generally, have few limitations for development.

### **Impervious Cover**

Based on information provided by the applicant in the PLUS application form, this project's post-development surface imperviousness is estimated to reach 40%. However, given the scope and density of this project (i.e., large business park) this estimate appears to be a significant underestimate (i.e., from review of the conceptual project layout). When calculating surface imperviousness, it is important to include all forms of constructed surface imperviousness (i.e., rooftops, parking lots, sidewalks, stormwater management structures, and roads) in the calculation for surface imperviousness; this will ensure a realistic assessment of this project's likely post-construction environmental impacts. The project's actual post-construction impacts should be recalculated with all of the above-mentioned forms of constructed surface imperviousness included. Failure to do so will significantly understate this project's true environmental impacts.

Studies have shown a strong relationship between increases in impervious cover to decreases in a watershed's overall water quality. It is strongly recommended that the applicant implement best management practices (BMPs) that reduce or mitigate some of its most likely adverse impacts. Reducing the amount of surface imperviousness through the use of pervious paving materials ("pervious pavers") in lieu of asphalt or concrete in conjunction with an increase in forest cover preservation or additional tree plantings are some examples of practical BMPs that could easily be implemented to help reduce surface imperviousness.

## **TMDLs**

Total Maximum Daily Loads (TMDLs) for nitrogen and phosphorus have been promulgated through regulation for the Appoquinimink watershed. A TMDL is the maximum level of pollution allowed for a given pollutant below which a “water quality limited water body” can assimilate and still meet water quality standards to the extent necessary to support use goals such as, swimming, fishing, drinking water and shell fish harvesting. Although TMDLs are required by federal law, states are charged with developing and implementing standards to support these desired use goals. In the Appoquinimink watershed, a post-development TMDL reduction level of 60 percent will be required for both nitrogen and phosphorus. Additionally, an 8% reduction in bacteria will also be required.

### **TMDL Compliance through the Pollution Control Strategy (PCS)**

As stated above, TMDLs for nitrogen and phosphorus have been promulgated through regulation for the Appoquinimink Watershed. The TMDL calls for a 60% reduction for nitrogen and phosphorus from baseline conditions. Additionally, an 8% reduction in bacteria will also be required. The Department developed an assessment tool to evaluate how your proposed development may reduce nutrients to meet the TMDL requirements. Additional reductions may be possible through the implementation of Best Management Practices, such as reducing surface imperviousness, increasing passive wooded open space, and the use of green-technology stormwater management treatment trains. Contact Lyle Jones at 302-739-9939 for more information on the assessment tool.

## **Water Supply**

The information provided indicates that the Town of Middletown/Artesian Water Company will provide well water to the proposed projects through a public water system. DNREC files reflect that the Town of Middletown/Artesian Water Company does not currently hold a Certificate of Public Convenience and Necessity (CPCN) to provide public water in these areas. They will need to file an application for a CPCN with the Public Service Commission, if they have not done so already. Information on CPCN requirements and applications can be obtained by contacting the Public Service Commission at 302-739-4247. Should an on-site public well be needed, it must be located at least 150 feet from the outermost boundaries of the project. The Division of Water Resources will consider applications for the construction of on-site wells provided the wells can be constructed and located in compliance with all requirements of the Regulations Governing the Construction and Use of Wells. A well construction permit must be obtained prior to constructing any wells.

Should dewatering points be needed during any phase of construction, a dewatering well construction permit must be obtained from the Water Supply Section prior to construction of the well points. In addition, a water allocation permit will be needed if the pumping rate will exceed 50,000 gallons per day at any time during operation.

All well permit applications must be prepared and signed by licensed water well contractors, and only licensed well drillers may construct the wells. Please factor in the necessary time for processing the well permit applications into the construction schedule. Dewatering well permit applications typically take approximately four weeks to process, which allows the necessary time for technical review and advertising.

Potential Contamination Sources exist in the area, and any well permit applications will undergo a detailed review that may increase turnaround time and may require site specific conditions/recommendations. In this case, there is a Groundwater Management Zone “B,” associated with the Von Croy property (located towards the southern part of the property), within 1000 feet of the proposed project.

Should you have any questions concerning these comments, please contact Rick Rios at 302-739-9944.

### **Water Resource Protection Areas**

The Water Supply Section, Ground Water Protection Branch (GWPB) has determined that it falls totally within an excellent ground-water recharge area for the Town of Middletown (see following map and attached map). The site plan shows the stormwater management pond in the area of excellent recharge.

The Town of Middletown has yet to adopt source water protection ordinances. The Town’s 2005 Comprehensive Land Use Plan expresses their concern and intent to address water quantity and quality by minimizing any negative impacts.

New Castle County (NCC) defines excellent ground-water recharge potential areas as ‘recharge areas’. Recharge areas are characterized as deposits of coarser grained material that have the best ability to transmit water vertically through the unsaturated zone to the water table. The NCC recharge areas were mapped using the methods described in the Delaware Geological Survey Open File Report No. 34, "Methodology for Mapping Ground-Water Recharge Areas in Delaware’s Coastal Plain" (Andres, 1991), and depicted in a series of maps prepared by the Delaware Geological Survey (Butoryak and Tally, 1993).

The Water Supply Section recommends that the portion of the new development within the excellent ground-water recharge area not exceed 20% impervious cover. Some allowance for augmenting ground-water recharge should be considered if the impervious cover exceeds 20% but is less than 50% of that portion of the parcel within this area. However, the development should not exceed 50% regardless (DNREC, 2005). A water balance calculation (environmental assessment) will be necessary to determine the quantity of clean water to be recharged via a recharge basin (Thorntwaite, 1957). The purpose of an impervious cover threshold is to minimize loss of recharge (and associated increases in storm water) and protect the quality and quantity of ground water.

The proposed development would change the impervious over from 0% to approximately 40%. The developer provided these numbers on the PLUS application form. A large percentage of this is parking and roadways. This land use produces petroleum hydrocarbons, other organics, metals, and other inorganics (DNREC, 1999). These contaminants associated with this land use could easily infiltrate the unconfined aquifer and compromise water quality. The development as proposed exceeds DNREC recommendations.

GWPB recommends:

- Pretreatment of parking area runoff to remove chemical and nutrient loads
- Offset the loss of recharge due to impervious cover by constructing recharge basins that convey relatively pure rooftop runoff for infiltration to ground water (Kauffman, 2005).

In addition, because the excellent ground water recharge area can so quickly affect the underlying aquifer if contaminants are spilled or discharged across the area, the storage of hazardous substances or wastes should not be allowed within the area unless specific approval is obtained from the relevant state, federal, or local program.

#### References

Andres, A. Scott, 1991, Methodology for Mapping Ground-Water Recharge Areas in Delaware's Coastal Plain: Delaware Geological Survey Open File Report No. 34, p. 18.

Butoryak, Kathleen R. , and Talley, John H., 1993, Delineation of Ground-Water Recharge Resource Protection Areas in the Coastal Plain of New Castle County, Delaware: Delaware Geological Survey Project Report for the Water Resources Agency for New Castle County, p. 26.

Delaware Department of Natural Resources and Environmental Control (2005): *Source Water Protection Guidance Manual for the Local Governments of Delaware*: Dover, DE., 144 p.

[http://www.wr.udel.edu/swaphome/Publications/swapp\\_manual\\_final/swapp\\_guidance\\_manual\\_final\\_2005\\_05\\_02.pdf](http://www.wr.udel.edu/swaphome/Publications/swapp_manual_final/swapp_guidance_manual_final_2005_05_02.pdf)

Delaware Department of Natural Resources and Environmental Control. (1999). The State of Delaware Source Water Assessment Plan: Dover, DE, p. 301.

<http://www.wr.udel.edu/swaphome/publications.html>

Kauffman, G.J., Wozniak, S.L., and Vonck, K.J., 2005, *Delaware Ground-Water Recharge Design Manual*: Newark, DE, Water Resources Agency, University of Delaware, p. 31.

<http://www.wr.udel.edu/swaphome/Publications/SWPguidancemanual.html>



Thornthwaite, C. W. , and Mather, J. R., 1957, Instructions and Tables for Computing Potential Evapotranspiration and the Water Balance, Volume x, Drexel Institute of Technology, Laboratory of Climatology.

**Levels Business Park (PLUS 2008-02-01)** Excellent ground-water recharge potential area is highlighted in green. The site plan overlies the parcel under review.



### **Sediment and Erosion Control/Stormwater Management**

A detailed sediment and stormwater plan will be required prior to any land disturbing activity taking place on the site. Contact the reviewing agency to schedule a pre-application meeting to discuss the sediment and erosion control and stormwater management components of the plan as soon as practicable. The site topography, soils mapping, pre- and post-development runoff, and proposed method(s) and location(s) of stormwater management should be brought to the meeting for discussion. The plan review and approval as well as construction inspection will be coordinated through the Town of Middletown. Contact the Town of Middletown at (302) 378-9120 for details regarding submittal requirements and fees.

Because of the parcel's location in an impaired watershed, green technology BMPs and low impact development practices should be considered a priority to reduce stormwater flow and to meet water quality goals.

The Sediment and Stormwater Management Program ensures sediment and erosion control plans and stormwater plans comply with local land use ordinances and policies, including the siting of stormwater management facilities. However, we do not support placement in resource protection areas or the removal of trees for the sole purpose of placement of a stormwater management facility/practice.

**State Fire Marshal's Office – Contact: Duane Fox 856-5298**

These comments are intended for informational use only and do not constitute any type of approval from the Delaware State Fire Marshal's Office. At the time of formal submittal, the applicant shall provide; completed application, fee, and three sets of plans depicting the following in accordance with the Delaware State Fire Prevention Regulation (DSFPR):

a. **Fire Protection Water Requirements:**

- Water distribution system capable of delivering at least 1000 gpm for 1-hour duration, at 20-psi residual pressure is required. Fire hydrants with 800 feet spacing on centers.
- Where a water distribution system is proposed for business sites, the infrastructure for fire protection water shall be provided, including the size of water mains for fire hydrants and sprinkler systems.

b. **Accessibility:**

- All premises, which the fire department may be called upon to protect in case of fire, and which are not readily accessible from public roads, shall be provided with suitable gates and access roads, and fire lanes so that all buildings on the premises are accessible to fire apparatus. This means that the access road to the subdivision from Warwick Rd (Rte 301) must be constructed so fire department apparatus may negotiate it.
- Fire department access shall be provided in such a manner so that fire apparatus will be able to locate within 100 ft. of the main door of each of the buildings.
- The use of speed bumps or other methods of traffic speed reduction must be in accordance with Department of Transportation requirements.
- The local Fire Chief, prior to any submission to our Agency, shall approve in writing the use of gates that limit fire department access into and out of the development or property.

c. **Gas Piping and System Information**

- Provide type of fuel proposed, and show locations of bulk containers on plan.

e. **Required Notes:**

- Provide a note on the final plans submitted for review to read “ All fire lanes, fire hydrants, and fire department connections shall be marked in accordance with the Delaware State Fire Prevention Regulations”
- Proposed Use
- Alpha or Numerical Labels for each building/unit for sites with multiple buildings/units
- Square footage of each structure (Total of all Floors)
- National Fire Protection Association (NFPA) Construction Type
- Maximum Height of Buildings (including number of stories)
- Note indicating if building is to be sprinklered
- Name of Water Provider
- Letter from Water Provider approving the system layout
- Provide Lock Box Note (as detailed in DSFPR) if Building is to be sprinklered
- Provide Road Names, even for County Roads

Preliminary meetings with fire protection specialists are encouraged prior to formal submittal. Please call for appointment. Applications and brochures can be downloaded from our website: [www.statefiremarshal.delaware.gov](http://www.statefiremarshal.delaware.gov), technical services link, plan review, applications or brochures.

**Department of Agriculture - Contact: Scott Blaier 739-4811**

The Delaware Department of Agriculture has no objections to the proposed project. It is located within the Town of Middletown, and the *Strategies for State Policies and Spending* encourages environmentally responsible development in Investment Level 2 areas.

The proposed development is adjacent to a property currently enrolled in the State's Agricultural Lands Preservation Program (Clay Farm Expansion of the Baker Farms District (Parcel Number 1302600018)). Therefore, the activities conducted on this preserved property will be protected by the agricultural use protections outlined in Title 3, Del. C., Chapter 9. These protections effect adjoining developing properties. The 300 foot notification requirement affects **all new deeds** in a subdivision located in whole or part within 300 feet of an Agricultural District. Please take note of these restrictions as follows:

**§ 910. Agricultural use protections.**

(a) Normal agricultural uses and activities conducted in a lawful manner are preferred and priority uses and activities in Agricultural Preservation Districts. In order to establish and maintain a preference and priority for such normal agricultural uses and activities and avert and negate complaints arising from normal noise, dust, manure and other odors, the use of agricultural chemicals and nighttime farm

operations, land use adjacent to Agricultural Preservation Districts shall be subject to the following restrictions:

(1) For any new subdivision development located in whole or in part within 300 feet of the boundary of an Agricultural Preservation District, the owner of the development shall provide in the deed restrictions and any leases or agreements of sale for any residential lot or dwelling unit the following notice:

This property is located in the vicinity of an established Agricultural Preservation District in which normal agricultural uses and activities have been afforded the highest priority use status. It can be anticipated that such agricultural uses and activities may now or in the future involve noise, dust, manure and other odors, the use of agricultural chemicals and nighttime farm operations. The use and enjoyment of this property is expressly conditioned on acceptance of any annoyance or inconvenience which may result from such normal agricultural uses and activities."

(2) For any new subdivision development located in whole or in part within 50 feet of the boundary of an Agricultural Preservation District, no improvement requiring an occupancy approval shall be constructed within 50 feet of the boundary of the Agricultural Preservation District.

(b) Normal agricultural uses and activities conducted in accordance with good husbandry and best management practices in Agricultural Preservation Districts shall be deemed protected actions and not subject to any claim or complaint of nuisance, including any such claims under any existing or future county or municipal code or ordinance. In the event a formal complaint alleging nuisance related to normal agricultural uses and activities is filed against an owner of lands located in an Agricultural Preservation District, such owner, upon prevailing in any such action, shall be entitled to recover reasonably incurred costs and expenses related to the defense of any such action, including reasonable attorney's fees (68 Del. Laws, c. 118, § 2.).

In addition, if any wells are to be installed, Section 4.01(A)(2) of the Delaware Regulations Governing the Construction and Use of Wells will apply. This regulation states:

(2) For any parcel, lot, or subdivision created or recorded within fifty (50) feet of, or within the boundaries of, an Agricultural Lands Preservation District (as defined in Title 3, Del. C., Chapter 9); all wells constructed on such parcels shall be located a minimum of fifty (50) feet from any boundary of the Agricultural Lands Preservation District. This requirement does not

apply to parcels recorded prior to the implementation date of these Regulations. However, it is recommended that all wells be placed the maximum distance possible from lands which are or have been used for the production of crops which have been subjected to the application of land applied federally regulated chemicals.

This entire property has been designated as having “excellent” ground-water recharge potential. DNREC has mapped all ground-water recharge-potential recharge areas for the state, and an “excellent” rating designates an area as having important groundwater recharge qualities.

Senate Bill 119, enacted by the 141<sup>st</sup> General Assembly in June of 2001, requires the counties and municipalities with over 2,000 people to adopt as part of the update and implementation of their 2007 comprehensive land use plans, areas delineating excellent ground-water recharge potential areas. Furthermore, the counties and municipalities are required to adopt regulations by December 31, 2007 governing land uses within those areas to preserve ground-water quality and quantity.

Maintaining pervious cover in excellent and good recharge areas is crucial for the overall environmental health of our state and extremely important to efforts which ensure a safe drinking water supply for future generations. Retention of pervious cover to ensure an adequate future water supply is also important for the future viability of agriculture in the First State. The loss of every acre of land designated as “excellent” and “good” recharge areas adversely impacts the future prospects for agriculture in Delaware. The developer should make every effort to protect and maintain valuable ground-water recharge potential areas.

This site overlaps with the State’s Green Infrastructure Investment Strategy Plan. The Crop Land layer is present on the entire site. This designation identifies areas of the state that have viable and valuable agricultural cropland, as discussed in Governor Minner’s Executive Order Number 61. Areas such as these should be preserved as such, and not developed for residential use.

#### *Right Tree for the Right Place*

The Delaware Department of Agriculture Forest Service encourages the developer to use the “Right Tree for the Right Place” for any design considerations. This concept allows for the proper placement of trees to increase property values in upwards of 25% of appraised value and will reduce heating and cooling costs on average by 20 to 35 dollars per month. In addition, a landscape design that encompasses this approach will avoid future maintenance cost to the property owner and ensure a lasting forest resource. To further support this concept the Delaware Forest Service does not recommend the planting of the following species due to the high risk of mortality from insects and disease:

Callery Pear  
Leyland Cypress

Ash Trees  
Red Oak (except for Willow Oak)

If you would like to learn more about the potential problems or impacts associated with these trees, please contact the Delaware Forest Service for more information at (302) 698-4500.

*Native Landscapes*

The Delaware Department of Agriculture and the Delaware Forest Service encourages the developer to use native trees and shrubs to buffer the property from the adjacent land-use activities near this site. A properly designed forested buffer can create wildlife habitat corridors and improve air quality to the area by removing six to eight tons of carbon dioxide annually and will clean our rivers and creeks of storm-water run-off pollutants. To learn more about acceptable native trees and how to avoid plants considered invasive to our local landscapes, please contact the Delaware Department of Agriculture Plant Industry Section at (302) 698-4500.

**Public Service Commission - Contact: Andrea Maucher 739-4247**

Any expansion of natural gas or installation of a closed propane system must fall within Pipeline Safety guidelines. Contact: Malak Michael at (302) 739-4247.

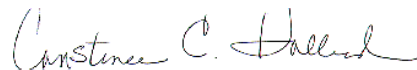
**Department of Education – Contact: John Marinucci 735-4055**

This proposed project is in the Appoquinimink School District. This site plan review is commercial in nature with no apparent impact on educational service delivery or infrastructure and, as such DOE has no further comments regarding this request.

**Following receipt of this letter and upon filing of an application with the local jurisdiction, the applicant shall provide to the local jurisdiction and the Office of State Planning Coordination a written response to comments received as a result of the pre-application process, noting whether comments were incorporated into the project design or not and the reason therefore.**

Thank you for the opportunity to review this project. If you have any questions, please contact me at 302-739-3090.

Sincerely,



Constance C. Holland, AICP  
Director

CC: Town of Middletown